

STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.

0 Valuation of Security 0 Assumption of Executory Contract or Unexpired Lease 0 Lien Avoidance

Last revised: August 1, 2020

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In Re:
Spence, William A.
Spence, Sontay L.

Case No.: 22-15609
Judge: _____

Debtor(s)

Chapter 13 Plan and Motions

☒ Original

☐ Modified/Notice Required

Date: _____

☐ Motions Included

☐ Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS MAY BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

The following matters may be of particular importance. Debtors must check one box on each line to state whether the plan includes each of the following items. If an item is checked as "Does Not" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney: EC Initial Debtor: WS Initial Co-Debtor: SS

Part 1: Payment and Length of Plan

- a. The debtor shall pay \$1275 per month to the Chapter 13 Trustee, starting on 08/17/2022 for approximately 56 months.
- b. The debtor shall make plan payments to the Trustee from the following sources:
- ☒ Future earnings
- ☐ Other sources of funding (describe source, amount and date when funds are available):
- c. Use of real property to satisfy plan obligations:
- ☐ Sale of real property
Description:
Proposed date for completion: _____
- ☐ Refinance of real property:
Description:
Proposed date for completion: _____
- ☐ Loan modification with respect to mortgage encumbering property:
Description:
Proposed date for completion: _____
- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.
- e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection ☒ NONE

- a. Adequate protection payments will be made in the amount of _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).
- b. Adequate protection payments will be made in the amount of _____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

- a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
CHAPTER 13 STANDING TRUSTEE	ADMINISTRATIVE	AS ALLOWED BY STATUTE
ATTORNEY FEE BALANCE	ADMINISTRATIVE	BALANCE DUE <u>\$4,065.00</u>
DOMESTIC SUPPORT OBLIGATION		\$0.00
IRS	Federal Income Tax	\$19,097
NJ Division of Taxation	State Income Tax	\$2000

- b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:

Check one:

☒ None

☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
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Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
M & T Mortgage	Residence	\$7000	N/A	\$7000	Resume August 2022

b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
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c. Secured claims excluded from 11 U.S.C. 506 ☒ NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation
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d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☒ NONE

- 1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid
One Main Financial	2016 Mercedes C-Class	\$13,014	\$16,000	N/A	\$13,014	Till Rate 5.5%	\$14,915

Exeter Finance, LLC	2017 Nissan Rogue	\$14,000	\$12,000	N/A	\$14,000	Till Rate 5.5 %	\$16,045
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2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender ☒ NONE

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
Car Max Financial	2011 Buick	To be determined	To be determined

f. **Secured Claims Unaffected by the Plan** ☒ **NONE**

The following secured claims are unaffected by the Plan: Payment are current and will continue outside plan Trinity on ??? secured by solar panels

g. **Secured Claims to be Paid in Full Through the Plan:** ☐ **NONE**

Creditor	Collateral	Total Amount to be Paid Through the Plan
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Part 5: Unsecured Claims ☐ **NONE**

a. **Not separately classified** allowed non-priority unsecured claims shall be paid:

☒ Not less than \$0.00 to be distributed *pro rata*

☐ Not less than _____ percent

☐ *Pro Rata* distribution from any remaining funds

b. **Separately classified unsecured** claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
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Part 6: Executory Contracts and Unexpired Leases ☒ **NONE**

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment of Debtor	Post-Petition Payment
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Part 7: Motions ☒ **NONE**

NOTE: All plans containing motions must be served on all affected lienholders, together with local form, Notice of Chapter 13 Plan Transmittal, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f). ☒ NONE

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
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b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured ☒ NONE

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified
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c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ☒ NONE

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
One Main	2016 Mercedes C Class	\$13,014	\$16,000	\$14,915	Any remaining balance
Exeter	2017 Nissan Rogue	\$14,000	\$12,000	\$16,045	Any remaining balance

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

☐ Upon confirmation

☐ Upon discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

Ch.13 Standing Trustee commissions
Jenkins & Clayman
Carmax
Exeter
M & T Bank
OneMain

Trinity Solar
Westgate
IRS
NJ Division of Taxation
Atlantic City Electric
Comcast
Jersey Shore FCU
Loan Depot
Macy's
Mariner Finance
South Jersey Gas
US Dept of Education/ GLELSI

d. Post-Petition Claims

The Standing Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification ☒ NONE

NOTE: Modification of a plan does not require that a separate motion be filed. A modified plan must be served in accordance with D.N.J. LBR 3015-2.

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: _____

Explain below why the plan is being modified:	Explain below how the plan is being modified:

Are Schedules I and J being filed simultaneously with this Modified Plan? ☐ Yes ☐ No

Part 10: Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures:

☒ NONE

☐ Explain Here:

Any non-standard provisions placed elsewhere in this plan are ineffective.

Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

By signing and filing this document, the debtor(s), if not represented by an attorney, or the attorney for the debtor(s) certify that the wording and order of the provisions in this Chapter 13 Plan are identical to Local Form, *Chapter 13 Plan and Motions*, other than any non-standard provisions included in Part 10.

I certify under penalty of perjury that the above is true.

Date: <u>08/17/2022</u>	<u>/s/ William A. Spence</u> William A. Spence Debtor
Date: <u>08/17/2022</u>	<u>/s/ Sontay L. Spence</u> Sontay L. Spence Joint Debtor
Date: <u>08/17/2022</u>	<u>/s/ Eric J. Clayman</u> Eric J. Clayman Attorney for Debtor(s) Jenkins & Clayman 412 S. Whitehorse Pike Audubon, NJ 08106 Phone: (856) 546-9696 Email: mail@jenkinsclayman.com

In re:
William A. Spence
Sontay L. Spence
Debtors

Case No. 22-15609-ABA
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-1
Date Rcvd: Aug 18, 2022

User: admin
Form ID: pdf901

Page 1 of 3
Total Noticed: 34

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
^	Addresses marked '^' were sent via mandatory electronic bankruptcy noticing pursuant to Fed. R. Bank. P. 9036.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 20, 2022:

Recip ID	Recipient Name and Address
db/jdb	+ William A. Spence, Sontay L. Spence, 410 Snow Fox Lane, Egg Harbor Township, NJ 08234-8014
cr	+ Jersey Shore Federal Credit Union, c/o Saldutti Law Group, 1040 North Kings Highway, Suite 100, Cherry Hill, NJ 08034-1925
519658917	+ Carmax, PO Box 6045, Carol Stream IL 60197-6045
519671601	+ Denise Carlon Esquire, KML Law Group, P.C., 701 Market Street, Suite 5000, Philadelphia, PA 19106-1541
519658921	+ Jenkins Clayman, 412 S Whitehorse Pike, Audubon NJ 08106-1311
519684102	+ Jersey Shore Federal Credit Union, c/o Saldutti Law Group, 1040 Kings Highway N., Suite 100, Cherry Hill, NJ 08034-1925
519658923	+ Loan Depot, PO Box 251612, Plano TX 75025-1510
519658926	+ Mariner Finance, PO Box 44490, Nottingham MD 21236-6490
519658927	NJ Division of Taxation, 3 John Fitch Way 5th floor, Trenton NJ 08611
519682448	+ Saldutti Law Group, Rebecca K. McDowell, Esq., 1040 N. Kings Highway, Ste 100, Cherry Hill, New Jersey 08034-1925
519658930	+ South Jersey Gas, PO Box 6091, Bellmawr NJ 08099-6091
519658931	+ Trinity Solar, 133 Gaither Dr, Mount Laurel NJ 08054-1710
519658934	+ Westgate, 5601 Windhover Dr, Orlando FL 32819-7936

TOTAL: 13

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
smg	Email/Text: usanj.njbankr@usdoj.gov	Aug 18 2022 20:43:00	U.S. Attorney, 970 Broad St., Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
smg	+ Email/Text: ustpreion03.ne.ecf@usdoj.gov	Aug 18 2022 20:43:00	United States Trustee, Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100, Newark, NJ 07102-5235
519658916	+ Email/Text: bankruptcy@pepcoholdings.com	Aug 18 2022 20:43:00	Atlantic City Electric, PO Box 13610, Philadelphia PA 19101-3610
519673680	+ Email/Text: bankruptcy@pepcoholdings.com	Aug 18 2022 20:43:00	Atlantic City Electric Co, Bankruptcy Division, 5 Collins Drive Suite 2133, Mail Stop 84CP42, Carneys Point NJ 08069-3600
519666829	Email/Text: CAF_Bankruptcy_Department@carmax.com	Aug 18 2022 20:43:00	CarMax Auto Finance dba CarMax Business Services., 225 Chastain Meadows Court., Suite 210, Kennesaw, GA 30144
519675532	Email/Text: bnc-quantum@quantum3group.com	Aug 18 2022 20:43:00	Citibank, N.A., c/o Quantum3 Group LLC, PO Box 280, Kirkland, WA 98083-0280
519658918	+ Email/Text: bankruptcy@sw-credit.com	Aug 18 2022 20:43:00	Comcast, co Southwest Credit Systems, 4120 International Pkwy 1100, Carrollton TX 75007-1958
519658925	+ Email/PDF: Citi.BNC.Correspondence@citi.com	Aug 18 2022 20:51:57	Macys, DSNB, PO Box 8218, Mason OH 45040
519662189	+ Email/PDF: acg.acg.ebn@aisinfo.com	Aug 18 2022 20:52:10	Exeter Finance LLC, AIS Portfolio Services, LLC, 4515 N Santa Fe Ave. Dept. APS, Oklahoma City, OK 73118-7901

District/off: 0312-1

User: admin

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Date Rcvd: Aug 18, 2022

Form ID: pdf901

Total Noticed: 34

519658919	+ Email/PDF: acg.exeter.ebn@aisinfo.com	Aug 18 2022 20:52:25	Exeter Finance LLC, 2101 W John Carpenter Fwy, Irving TX 75063-3228
519658920	+ Email/Text: sbse.cio.bnc.mail@irs.gov	Aug 18 2022 20:43:00	IRS, PO Box 7346, Philadelphia PA 19101-7346
519658922	Email/Text: assetrecovery@jerseyshorefcu.org	Aug 18 2022 20:42:00	Jersey Shore FCU, 1434 New Road, Northfield NJ 08225
519658921	+ Email/Text: mail@jenkinsclayman.com	Aug 18 2022 20:43:00	Jenkins Clayman, 412 S Whitehorse Pike, Audubon NJ 08106-1311
519679539	^ MEBN	Aug 18 2022 20:42:29	Lakeview Loan Servicing, LLC, c/o M&T Bank, P.O. Box 840, Buffalo, NY 14240-0840
519658924	+ Email/Text: camanagement@mtb.com	Aug 18 2022 20:43:00	MT Bank, 1 Fountain Pl, Buffalo NY 14203-1495
519658929	+ Email/PDF: cbp@onemainfinancial.com	Aug 18 2022 20:52:23	OneMain, PO Box 740594, Cincinnati OH 45274-0594
519673062	+ Email/PDF: cbp@onemainfinancial.com	Aug 18 2022 20:52:23	OneMain Financial Group, LLC, PO Box 3251, Evansville, IN 47731-3251
519658928	+ Email/PDF: cbp@onemainfinancial.com	Aug 18 2022 20:52:06	Onemain, PO Box 1010, Evansville IN 47706-1010
519660240	+ Email/PDF: gecsed@recoverycorp.com	Aug 18 2022 20:52:23	Synchrony Bank, c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
519671444	+ Email/Text: electronicbkydocs@nelnet.net	Aug 18 2022 20:43:00	US Department of Education c/o Nelnet, 121 South 13th Street, Lincoln, NE 68508-1904
519658932	+ Email/Text: Great_Lakes_EBN_Docs@nelnet.net	Aug 18 2022 20:42:00	US Dept of Education GLELSI, PO Box 7860, Madison WI 53707-7860
519658933	+ Email/PDF: Bankruptcynoticeshomelending@wellsfargo.com	Aug 18 2022 20:51:57	Wells Fargo Card Services, PO Box 14517, Des Moines IA 50306-3517

TOTAL: 22

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 20, 2022

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 17, 2022 at the address(es) listed below:

Name	Email Address
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Denise E. Carlon	
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District/off: 0312-1

User: admin

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Date Rcvd: Aug 18, 2022

Form ID: pdf901

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on behalf of Creditor LAKEVIEW LOAN SERVICING LLC dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com

Eric Clayman

on behalf of Joint Debtor Sontay L. Spence mail@jenkinsclayman.com JenkinsClayman@jubileebk.net

Eric Clayman

on behalf of Debtor William A. Spence mail@jenkinsclayman.com JenkinsClayman@jubileebk.net

Isabel C. Balboa

ecfmail@standingtrustee.com summarymail@standingtrustee.com

Rebecca K. McDowell

on behalf of Creditor Jersey Shore Federal Credit Union rmcdowell@slgcollect.com anovoa@slgcollect.com

U.S. Trustee

USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 6